

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7875

BILL NUMBER: SB 444

NOTE PREPARED: Feb 8, 2005

BILL AMENDED: Feb 3, 2005

SUBJECT: Sale of Methamphetamine Precursor.

FIRST AUTHOR: Sen. Young R Michael

FIRST SPONSOR: Rep. Friend

BILL STATUS: As Passed Senate

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill prohibits a person from selling more than two packages of a drug containing ephedrine or pseudoephedrine in one transaction, and requires that a drug containing ephedrine or pseudoephedrine be sold in a container or package containing not more than three grams of ephedrine or pseudoephedrine. It requires the package of a drug containing ephedrine or pseudoephedrine to be stored in a secure manner. It prohibits a unit from adopting an ordinance after June 30, 2005, that is more stringent than this bill. The bill also makes improper storage or sale of a drug containing ephedrine or pseudoephedrine a Class B infraction for the first offense and a Class A misdemeanor thereafter.

Effective Date: July 1, 2005.

Explanation of State Expenditures:

Explanation of State Revenues: This bill makes it a Class B infraction for improperly storing or selling a drug containing ephedrine or pseudoephedrine and makes it a Class A misdemeanor if the offender has a prior unrelated judgement or conviction or commits the crime knowingly or intentionally.

If additional court cases occur, revenue to the state General Fund may increase if infraction judgments and court fees are collected. The maximum judgment for a Class B infraction is \$1,000, which is deposited in the state General Fund. If court actions are filed and a judgment is entered, a court fee of \$70 would be assessed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

If additional court cases occur and fines are collected, revenue to both the Common School Fund (from fines) and the state General Fund (from court fees) would increase. The maximum fine for a Class A misdemeanor is \$5,000. However, any additional revenue would likely be small.

Explanation of Local Expenditures: A Class A misdemeanor is punishable by up to one year in jail.

Explanation of Local Revenues: If additional court actions are filed and a judgment is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$70 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected:

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources:

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